

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

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<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 4:11-CV-00077-RWS</b>
	)	<b>Judge Rodney W. Sippel</b>
	)	
<b>AMEREN MISSOURI,</b>	)	
	)	
<b>Defendant.</b>	)	

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**AMEREN MISSOURI’S MOTION FOR ATTORNEYS’ FEES AND COSTS**

Defendant Ameren Missouri (“Ameren”), by its attorneys, respectfully requests that the Court award Ameren its reasonable attorneys’ fees, expenses, and costs that it incurred defending EPA’s claims related to the 2001 and 2003 projects prior to EPA’s voluntary dismissal of those claims, for the following reasons:

1. On October 1, 2013, EPA moved to voluntarily dismiss claims 1, 2, 5 (in part), and 6 (in part) of the Amended Complaint related to the 2001 and 2003 turbine and superheater projects. (ECF # 157.) On October 28, 2013, the Court entered an order granting EPA’s motion, and dismissing claims 1, 2, 5 (in part), and 6 (in part). (ECF # 164.)

2. In a case brought pursuant to the Clean Air Act, such as this action, a defendant is permitted to recover its attorneys’ fees and costs if the court finds that such action was unreasonable. 42 U.S.C. § 7413(b).

3. Because EPA’s claims relating to the 2001 and 2003 projects were not well founded in either the facts or the law, pursuant to the Clean Air Act Ameren is entitled to recover the reasonable attorneys’ fees and costs it incurred in defending those claims.

4. Ameren has concurrently filed a memorandum of law in support of this motion.

WHEREFORE, Defendant Ameren Missouri respectfully requests that the Court grant this motion and order the relief requested herein.

Dated: November 7, 2013

Respectfully submitted,

/s/ Ronald S. Safer

Ronald S. Safer  
Patricia Brown Holmes  
Renee Cipriano  
Steven J. Bonebrake  
Matthew B. Mock  
Joshua R. More  
(All admitted *pro hac vice*)  
SCHIFF HARDIN LLP  
233 South Wacker Drive, Suite 6600  
Chicago, Illinois 60606  
(312) 258-5500  
Fax: (312) 258-5600

James J. Virtel  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Boulevard Suite 1800  
St. Louis, Missouri 63105  
(314) 621-5070  
Fax: (314) 612-2298  
jvirtel@armstrongteasdale.com

*Counsel for Defendant Ameren Missouri*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 7, 2013, I electronically filed the foregoing **Ameren Missouri's Motion For Attorneys' Fees and Costs** with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on counsel of record, who are listed below:

Andrew C. Hanson  
Bradford T. McLane  
U.S. Department of Justice  
Environment and Natural Resources Division  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044-7611  
Telephone: (202) 514-5293  
Facsimile: (202) 616-6584  
andrew.hanson2@usdoj.gov  
bradford.mclane@usdoj.gov

Andrew J. Lay  
Office of the U.S. Attorney  
111 S. Tenth Street, 20th Floor  
St. Louis, MO 63102  
Telephone: (314) 539-2200  
Facsimile: (314) 539-2777  
andrew.lay@usdoj.gov

Nigel B. Cooney  
U.S. Department of Justice  
Environmental Defense Section  
601 D. Street, N.W., Suite 8000  
Washington, DC 20004  
Telephone: (202) 514-3145  
Facsimile: (202) 616-6584  
nigel.cooney@usdoj.gov

/s/ Ronald S. Safer